

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID GUEVARA SANTOS,

Plaintiff,

-V-

27 PIZZA CAFE CORP. d/b/a PASTAFINA PIZZA and  
HASSAN EBRAHEIM,

Defendants.

22 Civ. 1114 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:


On August 5, 2022, the Court ordered Plaintiff to serve Defendants via overnight courier with a copy of the Court's August 5, 2022 Order within one week of the date of the Order and to file proof of such service on the docket by August 9, 2022. Dkt. 28. The deadline for Plaintiff to serve Defendants with the August 5, 2022 Order has passed and Plaintiff has not filed proof of service on the docket. Accordingly, it is hereby ORDERED that, by August 16, 2022, Plaintiff shall file proof of service of the Court's August 5, 2022 Order as well as Plaintiff's declaration in support of his request for damages as set forth in the Court's August 5, 2022 Order.

In addition, the Court notes that there are several inconsistencies in Plaintiff's declaration, including the amount of hours Plaintiff worked for Defendants during the relevant time period. *See* Dkt. 29 ¶¶ 6, 10-11, 13, 27. In assessing damages for purposes of Plaintiff's motion for default judgment, the Court will construe any inconsistencies or ambiguities in favor of Defendants as the defaulting parties. *See Electrolux Home Prods., Inc. v. BuyRite Appliances, LLC*, No. 14 Civ. 2461 (ILG) (SMG), 2014 WL 5140327, at \*2 (E.D.N.Y. Oct. 14, 2014) (observing that on default

judgment, all doubts, whether about the sufficiency of the pleadings or the calculation of damages, should be resolved in favor of the defaulting party”).

SO ORDERED.

Dated: August 15, 2022  
New York, New York

---

JOHN P. CRONAN  
United States District Judge